



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2741

DATE SCANNED 8/1/13

SCANNER NO. 2

SCAN OPERATOR EEJ

13092692177



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2013 APR 24 PM 12:47

April 22, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *eco*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship *JW*  
Compliance Branch

SUBJECT: Reason to Believe Recommendation –  
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received (1) from the close of books for the Wisconsin 12 Day Pre-Primary Report up to 48 hours before the August 14, 2012 Primary Election, and (2) from the close of books for the Wisconsin 2012 12 Day Pre-General Report up to 48 hours before the November 6, 2012 General Election, in accordance with 2 U.S.C. § 434(a) and 11 CFR. § 104.5(f). The committee, Tommy Thompson for Senate, Inc., represents a candidate who won the Primary Election and lost the General Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$105,000.00.

A 48-hour notice is required to report all contributions of \$1,000.00 or more to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contribution(s) for which a 48-hour notice was not filed.

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In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

**Recommendation**

1. Find reason to believe that Tommy Thompson for Senate, Inc., and Diane Hendricks, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$10,720 be assessed.
2. Send the appropriate letter.

**Attachment**

13092692179

**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 2741**

**Committee ID: C00503409**

**Committee Name: Tommy Thompson for Senate, Inc.**

**Report Type: October Quarterly Report (07/26/2012 – 09/30/2012)**

**30 Day Post-General Report (10/18/2012 – 11/26/2012)**

**Primary 48-Hour Reporting Period: 07/26/2012 – 08/11/2012**

**General 48-Hour Reporting Period: 10/18/2012 – 11/03/2012**

<b>CONTRIBUTOR NAME</b>	<b>DATE</b>	<b>AMOUNT</b>	<b>REPORTING PERIOD</b>
Thompson, Tommy G.	8/8/2012	\$100,000.00	Primary
Farrell, Jeremiah L.	11/2/2012	\$2,500.00	General
Farrell, Jeremiah L.	11/2/2012	\$2,500.00	General
<b>TOTAL</b>		<b>\$105,000.00</b>	

**Proposed Civil Money Penalty: \$10,720.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))**

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Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

4/22/2013 4:39 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2741	C00503409	TOMMY THOMPSON FOR SENATE INC	WI	2012	THOMPSON, TOMMY G	DIANE HENDRICKS	0	2	\$105,000	\$10,720

13092692181

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation – ) AF 2741  
Failure to File 48-Hour Notices under the )  
Administrative Fine Program: Tommy )  
Thompson for Senate, Inc. and Diane )  
Hendricks, Treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 25, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2741:

1. Find reason to believe that Tommy Thompson for Senate, Inc. and Diane Hendricks, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$10,720 be assessed.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 30, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Diane Hendricks, in official capacity as Treasurer  
Tommy Thompson for Senate Inc.  
P.O. Box 620650  
Middleton, WI 53562

C00503409  
AF#: 2741

Dear Ms. Hendricks:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Tommy Thompson for Senate Inc. did not submit 48-Hour Notices for contributions of \$1,000 or more, received between August 8, 2012 and November 2, 2012, totaling \$105,000, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 25, 2013, the FEC found that there is Reason to Believe ("RTB") that Tommy Thompson for Senate Inc. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$10,720. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$10,720 within forty (40) days of the finding, or by June 4, 2013.

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At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or June 4, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Tommy Thompson for Senate Inc. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

### 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$10,720 for the 2012 Primary and General Election 48-Hour Notification Reports.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9900

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by June 4, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Tommy Thompson for Senate Inc.

FEC ID#: C00503409

AF#: 2741

PAYMENT DUE DATE: June 4, 2013

PAYMENT AMOUNT DUE: \$10,720

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 JUN 10 PM 3: 14

June 10, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC/NH*  
Assistant Staff Director  
Reports Analysis Division

BY: *KD* Kristin DeCarmine/David Garr  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48 Hour Notice for the Wisconsin 2012 Primary and General Elections. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

**RAD Recommendation**

- (1) Make final determination that the political committee and its treasurer listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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Federal Election Commission  
Final Determination Circulation Report  
48-Hour Notification Report

6/10/2013 2:35 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Pres. Violations	Notices Not Filed	LOA	RTS Date	RTS Penalty	FD Penalty	Date Paid	Amount Paid
2741	C00503408	TOMMY THOMPSON FOR SENATE INC	WI	2012	THOMPSON, TOMMY G	DIANE HENDRICKS	0	2	\$105,000	04/25/2013	\$10,720	\$10,720	06/04/2013	\$10,720

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final ) AF 2741  
Determination Recommendation for the )  
Failure to File 48-Hour Notices: Tommy )  
Thompson for Senate, Inc. and Diane )  
Hendricks )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 11, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2741:

1. Make a final determination that Tommy Thompson for Senate, Inc. and Diane Hendricks violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$10,720.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 12, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

13092692189



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 12, 2013

Diane Hendricks, in official capacity as Treasurer  
Tommy Thompson for Senate Inc  
P.O. Box 620650  
Middleton, WI 53562

C00503409  
AF#: 2741

Dear Ms. Hendricks:

On April 25, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Tommy Thompson for Senate Inc and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between August 8, 2012 and November 2, 2012, totaling \$105,000. By letter dated April 29, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$10,720 in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On June 4, 2013, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on June 11, 2013 that Tommy Thompson for Senate Inc and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$10,720 in accordance with 11 C.F.R. § 111.44 and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact David Garr on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, reading "Ellen L. Weintraub", is positioned above the printed name.

Ellen L. Weintraub  
Chair

13092692190

FOR: Tommy Thompson for Senate Inc.

FEC ID#: C00503409

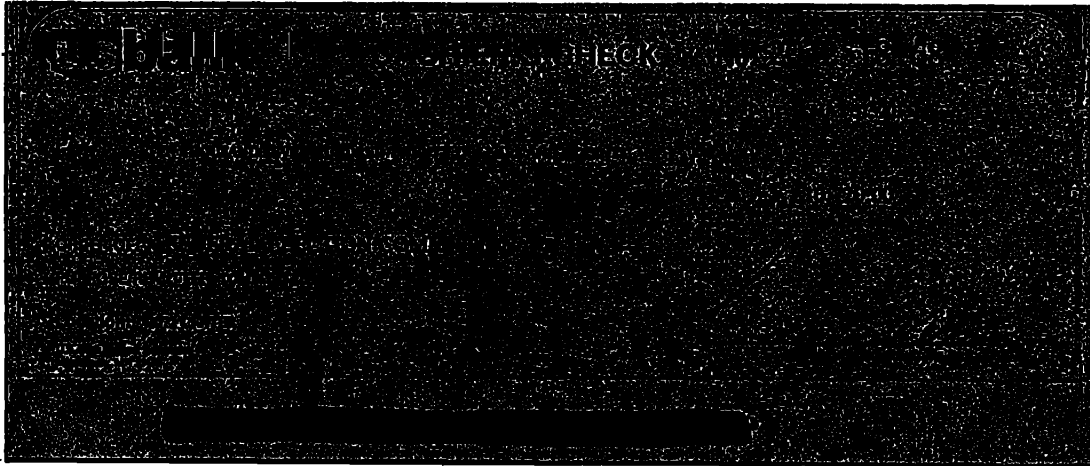
AF#: 2741

PAYMENT DUE DATE: June 4, 2013

PAYMENT AMOUNT DUE: \$10,720

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 06/03/2013



Batch	Item	TID	Batch Total	Amount
1	1	Y-3016077	\$10,720.00	\$10,720.00

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**usbank.**

St. Louis GA Lockbox  
(314) 425-1818



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2741

DATE SCANNED

8/1/13

SCANNER NO.

2

SCAN OPERATOR

EES

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